









## 15 foreign warships reported in Gulf

## Superpowers' naval buildup questioned

BAHRAIN (Reuters). — The missile attack on the U.S. frigate Stark raised questions about the naval buildup by the superpowers in the Gulf to deter Iranian attacks on merchant shipping and Kuwait's oil lifeline.

Ironically, the Stark was hit by an Iraqi missile some 85 miles northeast of Bahrain in what Washington called an "inadvertent incident."

Shipping sources said the guided missile frigate was one of at least seven U.S. warships patrolling the Gulf waterway, conduit for about 20 per cent of oil exports to the non-Communist world.

About 15 foreign warships were now in the Gulf, including four Soviet vessels and ships from Britain and France, the sources said.

The attack left oil traders nervously uncertain as to whether prices would rise as a result. But the raid had little or no immediate effect on world market oil prices.

The traders said that if, as U.S. officials believe, the attack was launched in error by Iraq, it would not amount to an escalation of Gulf shipping raids which have been taking place for the past three years. Some said it would not be as serious as an attack knowingly launched by Iran.

"If it's just a mistake, the influence will be limited," one Japanese oil trader said.

But the traders said the attack on the Stark, plus the damage caused by a mine to a Soviet tanker off Kuwait, was likely to diminish confidence in superpower protection in the Gulf.

The U.S. and the Soviet Union strengthened their naval presence in the last two months as tension escalated with Iran persistently attacking shipping going to or from Kuwait, an Arab emirate and ally of Iraq at the head of the Gulf.

Kuwait, which exports all its oil through the Gulf, sought to safeguard its oil exports by chartering tankers from the Soviet Union and negotiating to register half its own 22-tanker fleet under the American flag.

The moves were calculated to gain the naval protection of the superpowers. Diplomatic sources said the crippling strike on the Stark raised questions about the ability of the superpowers to guarantee the safety of merchant shipping under their flags.

The so-called "tanker-war" began in 1984 as Iran and Iraq started attacking each other's ships in an effort to choke off oil exports that fund the war machines of both.

Since then, more than 200 vessels have been hit — some 30 this year. Iran has zeroed in on shipping bound to or from Kuwait, accusing the emirate of providing neighbouring Iraq with material support in the 6½-year-long war.

The attack was the deadliest so far in any single ship attack in the war. Before, the highest single-ship toll was in an Iranian attack on the Panamanian-registered tanker Five Brooks last October 17 that killed 10 seamen.

Teheran has backed its assault with renewed threats to make the Gulf impassable to shipping. On Friday, Iran said it would not hesitate to attack U.S.-flag ships.

Iranian Prime Minister Mir-Hossein Mousavi said in Teheran that the Gulf was not secure for the superpowers and their warships should keep out of the waterway.

"Great Satan (the U.S.) has been miserably trapped in this event," Mousavi told the Iranian news agency Irna, received in London.

Irna quoted Mousavi as saying in an interview that on the one hand Washington had obliged itself to support Iraq against Iran, while, on the other, "it has lost face due to an evident bungle."

He said the incident would be difficult for the Reagan administration to justify.

He said the attack on the warship, as well as damage to the Soviet tanker Marshal Chukov — holed by a mine while travelling to Kuwait which supports Iraq in the war — showed that the Gulf was not secure for the superpowers.



1982 file photo of USS Stark.

(Reuters)

## Confusion over Fiji leadership

SUVA (AP). — Fiji's government crisis deepened yesterday as the governor-general and the army colonel who seized power last week both claimed leadership of the South Pacific island country.

In a series of announcements on Fiji's army-controlled radio station, Gov.-Gen. Ratu Sir Penaia Ganilau first claimed Lt. Col. Sitiveni Rabuka had agreed the governor-general would continue his role as head of state with full executive powers.

Ganilau is Queen Elizabeth's representative in Fiji, which is a member of the British Commonwealth.

The governor-general said he had directed military rulers to reopen newspapers, lift censorship restrictions and ordered all troops not needed to keep peace to return to their barracks. He also said the military was told to free all detainees, including Prime Minister Timoci Bavadra and his Labour Party cabinet members who were arrested Thursday when Rabuka stormed parliament.

At the same time, Ganilau, a

former deputy prime minister, said he could not recognize the military-appointed council of ministers or any of their decrees.

Rabuka said a short while later in a broadcast on the same radio station that Ganilau had sworn him in as chairman of the council of ministers, giving him the powers of government head. The other 15 council ministers would be sworn in today, Rabuka said on the broadcast.

The contradictions confused thousands of Fijians and the 100 foreign reporters listening to radio broadcasts.

At a briefing later, a harassed Fiji civil servant tried to explain.

The official, who insisted on anonymity, confirmed that the army had agreed to the governor-general's conditions on newspaper censorship, detainees and withdrawal of troops.

But he was unable to explain how the governor-general could swear in the council of ministers after saying earlier that he would not recognize them.

A later broadcast by Rabuka added to the confusion: he declared that yesterday was the first day of his new government, adding that he was deeply concerned by an air of suspicion and animosity in the racially divided country.

Ethnic Fijians form 47 per cent of the population of 175,000, with Indians making up 49 per cent of the population. The rest are Europeans and people of mixed race.

"I call on Fijians to join me in a prayer for the understanding and good will of the Indian community whose concern in the present circumstances we fully understand," Rabuka said.

"To the Indian community, I feel deeply for your welfare. You belong here. You are a part of our history and our future. Please be assured you have nothing to fear from this administration."

He concluded by calling for patience and understanding, urging Fijians to join him in "My prayers for a future of peace, unity and love."

## GULF

(Continued from Page One)

to the security of our friends throughout the world," he said.

The official Iraqi news agency, in a broadcast monitored in Nicosia, said President Saddam Hussein had ordered a "serious" investigation.

It said Iraq would never intentionally attack a U.S. ship and promised to apologize "with sorrow" if Iraq was found to be responsible.

The Stark had at least one minute's warning that the Iraqi warplane had fired a missile at it, Pentagon sources said yesterday, but the frigate apparently did not try to defend itself.

"We don't know why they didn't try to engage," said one official, who asked not to be identified. "They apparently assumed the plane was friendly."

Britain said yesterday it deplored

the attack in the Gulf.

"We deplore the attack and very much regret the loss of life," the Foreign Office spokesman said. He made no further comment and did not assign blame for the attack.

The Royal Navy said its small naval force in the region was not asked to help the U.S. frigate after it was attacked.

Britain keeps two frigates, the Broadsword and the Active, and a support ship in the Gulf region to provide reassurance and protection for British ships.

The official Soviet news agency Tass issued a brief report without comment on the missile attack.

The Soviet Union has repeatedly called on Iran and Iraq to end their war, but it has supplied Iraq with arms during the conflict. (AP, Reuters)

## 'Loss of life' in Soviet mine explosion

MOSCOW (AP). — An explosion has caused "loss of life" at a coal mine near Donetsk in the Ukraine, the official Soviet news agency Tass reported yesterday.

Tass did not specify the number of

victims.

The presidium of the Supreme Soviet, the Soviet government and the Central Committee of the Communist Party have sent condolences to the victim's families.

## Barbie: Handyman of the state

By NEAL ASCHERSON  
LYONS. — From the roof restaurant of the hotel, eating breakfast before the daily sessions of the Barbie trial, I can look out over Lyons. The city fills the whole valley, crowding the Manhattan-like peninsula formed by the confluence of Rhône and Saône, overflowing up the steep hill of Fourvière once crowned with Roman temples. The city has been big and confident for over 2,000 years, rich and sensual through its silk and its food. It is the vigorous heart of France, and, just over 40 years ago, it took only 120 Germans in SS uniform to paralyze that heart with fear.

So small a party of foreign visitors, present in Lyons for so short a time; but long enough to have changed the flavour of everything, to have left behind them not only the misery of the tortured and bereaved but a legacy of hate and suspicion between French people which makes the court-hall echo more than a generation afterwards.

In the distant past, so they say in Uganda, there came from the north a race of supermen named the Abachwezi. They were few, but they were immensely tall and possessed of magical powers. They conquered the peaceful farming nations around Lake Victoria, set them against one another, then flew away and vanished down the volcanic craters of the Mountains of the Moon. A century ago, there came to the same region of Africa another tiny, deadly invasion. They were white men clad in white. The French Catholic missionaries came from the north and west, the British Anglicans came from the east coast. Through their magic, they made converts, and out of their converts they made a catastrophic war in which the peoples of

the lake kingdoms slaughtered one another by the hundreds of thousands. In time they too flew away, hauling down their flags, but they left behind them the dormant virus of hatred and fear which awoke again in the time of Amin and Obote to decimate Uganda by massacre, torture and famine.

The Mongols passed over Russia as swiftly as a forest fire, but they left to the Russians for the future not only a paranoid fear of treachery and invasion but a tradition of governing by terror. Their legacy was horror, but also the instruments of that horror.

With that in mind, we can fly forward to Lyons 1943: more precisely, to the Ecole de Santé Militaire on the Avenue Berthelot, where Klaus Barbie and the Lyons Gestapo did their worst interrogations. Here, it seems, was made one of the technical discoveries of the twentieth century. Its inventor is unknown, but before Lyons I am aware of no systematic use of torture by electricity. Barbie assisted his inquiries with a device which attached electrodes to sensitive parts of the body — the nipples, the genitals — and passed agonizing, convulsing shocks of current through the victim.

Within two years, Barbie had gone. Lyons was liberated and the prisons were opened. The survivors, those who had escaped and those who gradually returned from the concentration camps in Germany, told the story of what they had undergone. It was a horrible recital, but, for certain people in France, interesting in its detail. After the war, all the Allies seized and cannibalized German technology: the British went for jet engines and torpedoes, the Americans for von Braun's rocket. France profited less

## Proceedings halted

LYONS (Reuters). — Klaus Barbie's humanity halted proceedings yesterday as Nazi victims renewed calls to force the former Gestapo officer back into the dock.

A lawyer representing Nicole Gompel, daughter of a Jewish Resistance fighter allegedly tortured to death by the former SS officer, told the court she wanted her lawyers to remain silent in protest if Barbie was not forced back into the courtroom when her father's case came up.

Barbie's decision to walk out of his trial last week on the grounds he was being illegally held in France has outraged alleged victims of Nazi persecution.

Barely 90 minutes after declaring the sixth day of the hearings open, Presiding Judge Andre Cerddini called two recesses, both a result of Barbie's claim he was kidnapped from Bolivia in 1963 and would therefore boycott the trial.

But among other scientific loot, France took the discovery of Klaus Barbie.

The use of electrical torture on a large scale re-appeared during the Algerian War of Independence. The *Gégène*, as the machine was nicknamed in France, became an indispensable device for the French army and police, especially for the parachutists commanded by Gen. Massu, to extract confessions and information from Algerian suspects. Among those who suffered was a heroic young woman named Djemila Bouhired. Her case was one of those which became known, and which led to an outcry against such methods not only in France but —

largely through revelations in the London *Observer* — abroad as well. Later she was to marry a young French leftist with a Vietnamese mother, named Jacques Verges.

Today he is the defender of Klaus Barbie, before the Assize Court of the Department of the Rhône. Verges contemptuously rejects the charges of crimes against humanity laid against his client. He also denies that, in Bolivia, Klaus Barbie was anything but an innocent businessman. It is said that, before agreeing to represent him, Verges told Barbie that if he had committed any criminal offence against Bolivians, he would not take his case.

But during the 1970s, under the dictatorship of Gen. Hugo Banzer, Barbie became an adviser to the army and to the Ministry of the Interior. An official of that ministry has said: "The Bolivians used simply to beat people up. Under Barbie, they learned the techniques of electricity, and the use of medical supervision to keep the suspect alive until they had finished with him." One victim of the electrodes, Mirna Murillo, remembers that her torturers were given by Señor Barbie. A few years later, in the "dirty war" in Argentina, the use of electrical torture against suspects reached its horrifying zenith.

There is much to learn from the story of Barbie and his tiny band of "Abachwezi" in black uniforms. One lesson is that it is utterly unfair to mock the French — as the West German press is currently doing — for the extent of their collaboration with the Germans during the Occupation.

There can be no pardon for the criminal policies of the Vichy Government, none — above all — for their co-operation which made possible the deportation and murder of the Jews in France. But the Nazis took the imposing slab of marble which was the French nation in 1940 and smote it — expertly and economically

— on its breaking-plane. France split apart along the lines of the concealed rift, the latent and occasionally patent civil war, which had divided the nation since 1789, the war of reds against whites, of revolution against reaction.

The Germans, with little direct intervention, were able to stand by and supervise a civil war which they had touched off; they had done much the same in 1871, occupying France after the Franco-Prussian war while the revolutionary Paris Commune was blasted apart by the Versailles government of reaction.

France is still trying to make sense of what happened between 1940 and 1944. The court at Lyons is none the worse for its theatricality. Jacques Verges, for all his odious methods, is provoking other people to tell the truth — which will be at his client's expense as well. The riddle of resistance is that it turns the rules inside out: defiance of the law becomes patriotism, murder becomes justifiable execution, a rabble of deserters and misfits, of dropped-out students and unemployed agitators, becomes the company of saints and martyrs who saved the honour of the nation. And so they did. History is unfair.

Another lesson is that peoples suffer and change their minds, but the state bureaucracy goes on forever. After Barbie, they renamed streets after his victims in Lyons, lynched or shot some of his French assistants, took sacred vows before new memorials. The police carried on, and the state used Barbie's invention on its own victims in due course. As for Barbie himself, he too was deemed useful. After the Nazis, he was hired by American Intelligence and then by the Bolivians. He has been the handyman of the state for three governments in two continents. Where is his reward? No wonder that he prefers to sit in his large, luxurious cell rather than to stay in court and hear such absurd ingratitude. (London *Observer* Service)



Britain's Liberal leader David Steel (right) and his Social Democrat partner David Owen give the thumbs-up after yesterday's press conference in London as the June 11 general election campaign officially got underway. Steel and Owen said their new approach to governing the country would introduce sweeping constitutional changes, including the virtual abolition of the House of Lords, devolve power to the regions and end the country's north-south and rich-poor divide. (Reuters)

## INSIDER'S ENGLAND

## Sexual smearing likely in Britain's election campaign

By DAVID HOROVITZ

Jerusalem Post Correspondent

LONDON. — Gary Hart was forced to withdraw from the U.S. presidential campaign almost before it had begun, engulfed in a sex scandal sparked by newspaper reports.

In Britain too, where the 1987 election campaign got under way yesterday with the dissolution of parliament, there appears to be a fair amount of sexual smearing in prospect.

Already Conservative MP Harvey Proctor has tendered his resignation, presumably under pressure from party bosses who believed he was unlikely to hold on to his Billericay seat, given his imminent trial on four charges of gross indecency with young men.

But while the Proctor sex allegations would appear to have considerable substance, Liberal leader David Steel has vigorously denied weekend newspaper reports of misadventures involving him and the wife of a former Liberal Party chairman.

Steel yesterday issued libel writs against the *Sun* and the *Star* newspapers over the allegations, and leaders of all the main parties united behind him in calling for a clean election campaign.

But for all the expressions of regret from the ruling Conservatives concerning the Steel smear, leading Liberals are convinced that the story emanated from Conservative ranks, and it is feared that Steel's popularity will be affected.

The Liberal-Social Democrat Alliance is working hard to establish itself as the main opposition party to Margaret Thatcher's Conservatives, but the Steel misadventure claims, carried by two of the country's biggest-selling newspapers, are likely to dent Alliance support.

Steel reacted to the story with distress, saying that he had been warned that he was likely to face a "dirty tricks campaign" but that in politics "you often have to laugh things off." There was, he said however, a larger issue at stake, "concerning the health of democracy, which is whether the election is going to be conducted on the issues or on smears and slanders."

Conservative Party Chairman Norman Tebbit echoed the sentiment, hoping that election argument would centre on "policies not personalities." Increasingly, though, it seems that politicians' private lives attract as much, if not more publicity than their proposals for government. And increasing numbers of them are being punished excessively for alleged moral indiscretions — Cecil Parkinson's enforced resignation as Tory chairman in 1983 springs to mind as a case in point.

One of the leading U.S. presidential contenders has already been forced out. One wonders how many British casualties there will be between now and June 11.

## FOREIGN BRIEFS

## Syrian says mastermind of Beirut blasts arrested

BEIRUT (Reuters). — The mastermind of more than 100 minor bomb blasts in West Beirut since Syrian troops deployed there three months ago was arrested yesterday, Syria's military intelligence chief in Lebanon said.

Meanwhile, unidentified gunmen killed a senior Lebanese Communist Party official as he walked in a West Beirut street yesterday police said. They said three gunmen in a car fired on Hassan Hamdan, 50, killing him instantly.

## Simon officially joins scrambled Democratic field

CARBONDALE, Illinois (AP). — Illinois Senator Paul Simon officially joined a newly scrambled Democratic presidential field yesterday by offering himself as an alternative to candidates "sickly packaged like some new soft drink."

Simon, 58, returned to southern Illinois near his home town of Makanda for the formal announcement of his candidacy. He said he was buoyed by polls showing he's gained strength since front-runner Gary Hart dropped from the race.

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# SS man probed in Demjanjuk trial

COLOGNE, West Germany (AP). — Israeli prosecutors in the Nazi war crimes trial of John Demjanjuk began questioning a former SS officer yesterday in their bid to prove the authenticity of a crucial Nazi identity card.

Prosecutors and defense attorneys traveled here from Jerusalem to take evidence from 71-year-old Helmut Leonhardt, a former SS officer at Trawniki, a training centre where Demjanjuk was allegedly prepared to be a death camp guard.

"We are here to gather information that will help the court determine (Demjanjuk's) identity," prosecutor Michael Horowitz told reporters.

Demjanjuk, 67, a retired Cleveland auto worker, is accused of being

the infamous "Ivan the Terrible" at the Nazi Treblinka concentration camp who tortured prisoners and operated gas chambers in 1942 and 1943.

Members of the Israeli court are slated to question the witness in West Germany through June 12 in connection with Demjanjuk's three-month-old trial in Jerusalem.

By West German law, the questioning of Leonhardt was closed to the public because it is part of a trial taking place abroad.

"We are not allowed to discuss the details of this questioning," said Horowitz before yesterday's proceedings in Cologne got under way. "But in general terms it centres on the authenticity of (Demjanjuk's) Nazi identity card."

Leonhardt's evidence could shed light on the authenticity of the Nazi identity card that prosecutors allege belonged to Demjanjuk but which the defence says is a forgery.

The prosecution says the card was issued to Demjanjuk when he served at the Trawniki camp in Nazi-occupied Eastern Poland. The defence says the card was forged by the Soviets and then provided to Israeli prosecutors.

Leonhardt was not believed to have known Demjanjuk personally.

Leonhardt, wearing grey slacks and a plaid jacket, looked nervous as he entered one of the courtrooms yesterday. He declined to speak with reporters.

A court official said that the courtroom had been reserved for three

days for the questioning, but added that there was no timetable for the proceedings.

While in West Germany, members of the Israeli court are also slated to travel to Kassel to question Heinrich Schaeffer, another former SS officer at Trawniki.

On June 7, the court members will go to West Berlin to query Otto Horn, a former SS nurse at Treblinka who prosecutors say knew Demjanjuk during his tour of duty at the camp.

Judges hearing the Demjanjuk trial will attend the West Berlin questioning but not the sessions in Cologne and Kassel.

A member of Demjanjuk's defence team will be at all three locations to cross-examine witnesses.



Helmut Leonhardt, a former SS officer at Trawniki, the centre where Ivan Demjanjuk was allegedly trained as a concentration camp guard, is escorted into the Cologne court for questioning by Israeli prosecutors yesterday. (Reuters telephoto)

## Peace dove replaces the angel

By MEIR RONNEN  
Post Art Editor

The offending painting of an angel hung at the entrance to Jerusalem, to which artist Eduard Levin added a Star of David last week following protests from irate citizens and the Religious Affairs Ministry, vanished from the wall of the Bank Hapoalim building yesterday.

Those who objected to the painting said it resembled Jesus. The Jerusalem municipality, which has sponsored a series of paintings placed around the city to mark Jerusalem Day on May 27 says that Levin will replace the offending work with a painting of a dove symbolizing peace. The two other angels painted by Levin remain in place.

In other art news, the Israel Museum announced yesterday that artist Motti Mizrahi is to receive this year's prestigious Sandberg Prize. Mizrahi's huge sculpture, *He-Ha-luz*, a six armed statue of a pioneer, was installed outside the Jerusalem Theatre last weekend.

Mizrahi is to receive the award at the current 21st convocation of the museum's international council.

To mark the 20th anniversary of the unification of the capital, the Israel Museum is opening a salute to Islamic culture tonight in a special show of Islamic jewellery and art. Later in the week it is opening an exhibition entitled "Children of the World Paint Jerusalem."



A model shows off Indian jewellery from the exhibition of Islamic Jewellery opening at the Israel Museum tonight. (Shai Zakai/Israel Museum)

## 2 Arabs on trial for attack in Vienna

VIENNA (Reuters). — Two Arabs went on trial in Vienna yesterday charged with carrying out an attack on El Al nearly 17 months ago in which four people died.

Tawfik ben Chaouali, 27, and Mongi ben Saadaoui, 28, members of Abu Nidal's Revolutionary Command group, are accused of two murders and 87 attempted murders at Vienna's Schwechat airport on December 27, 1985.

The attack at an El Al check-in desk killed four, including one gunman, and injured 40. The two surviving gunmen are accused of only the murder of two Austrians as one Israeli passenger may have been killed by a security guard's bullet.

The Vienna attack coincided with a similar raid at Rome's Fiumicino airport in which 15 people were killed.

The attacks followed an Israeli air raid on the Tunis headquarters of the Palestine Liberation Organization in October 1985 in which 60 people were killed.

Three gunmen in Vienna had planned to seize Israeli hostages and force a waiting El Al plane to fly out of Austria.

They were stopped from getting near the El Al counter by a hail of fire from Austrian and Israeli security guards and they responded by shooting wildly and hurling grenades.

The trial, conducted with interpreters at Vienna's provincial court, is expected to last five days.

Both Saadaoui and Chaouali pleaded not guilty to the charges. Both defendants face lifelong jail sentences if convicted.

## Nazi euthanasia doctors both jailed for 4 years

FRANKFURT (Reuters). — Two former doctors were jailed for four years each yesterday for helping to kill more than 10,000 mentally ill people in a Nazi euthanasia programme.

Karl Ulrich and Heinrich Bunke, both now aged 72, were found guilty by the Frankfurt regional court after a 16-month trial of taking part in the Nazis' "T-4 programme" in which more than 70,000 mentally handicapped people were murdered.

The prosecution had demanded six-year prison terms. The defence called for acquittal.

Explaining the sentences, which are only one year more than the minimum three years for being an accessory to murder, presiding judge Johanna Dierks said the two men had been unable to withdraw from the euthanasia programme once they had recognized its criminal nature.

It was difficult to assess their guilt as they were people who would not normally have become criminals, she said.

Anyone who had not experienced the Nazi state should be wary of underestimating influences such as its ideology and the prevailing pressure to obey orders, Dierks said.

Ulrich and Bunke were acquitted in an earlier trial in 1967 on the grounds that they believed they were acting in accordance with the law and continued practising until the early 1980s.

The acquittal was lifted in 1970 but a retrial was abandoned until 1986 on health grounds.

The "T-4 programme" started in the Third Reich in 1940 after Hitler denounced the mentally ill as "useless eaters."

Bunke was found guilty of being an accessory to the murder of 1,000 people and Ulrich of 4,500 people.



Dr. Karl Ulrich (left) and Dr. Heinrich Bunke leave a Frankfurt court yesterday after being sentenced to four years in prison for killing mentally ill persons during World War II. (Reuters telephotos)



## Second Channel on despite Rubinstein's resignation

By JUDY SIEGEL  
Jerusalem Post Reporter

Experimental TV broadcasts on the Second Channel, and efforts to establish a permanent commercial TV station, will continue, despite concern that Communications Minister Amnon Rubinstein's resignation announcement will bring them to a halt.

Ministry spokesman, Avi Hefetz denied reports that the administrative unit headed by Abraham Poraz to run the experimental broadcasts and plan a commercial channel is about to be disbanded. "As things

stand, everything is continuing as planned," said Hefetz.

The experimental broadcasts already reach most parts of the country, and can usually be picked up on UHF 22. The ministry has just added two new transmitters to allow TV reception of the Second Channel in Haifa Bay and Beersheba. In the Haifa area, reception is available over UHF 27, with antennas pointed toward Acre. In Beersheba, broadcasts are aired over UHF 35, with antennas pointing south.

Rubinstein, the strongest advocate of the Second Channel as a commercial network and a competi-

tor of Israel TV, also established an administrative body to set up legal cable TV broadcasts.

Lea Levi adds:

By allowing the Second Channel to operate without appropriate legislation, the government is "stealing" from Israeli entertainers, according to actor Moshe Alkalai, chairman of the Israel Artists Association.

Speaking at a press conference in Tel Aviv yesterday, Alkalai said, "The attorney-general has legalized operation of a pirate station, since they are using material we created

without paying for it.

He said the LAA would decide whether to take the matter to court after the scheduled meeting of the International Federation of Artists (IFA) Executive here next year. The meeting will coincide with an international symposium on the rights of performers, once their work has been recorded on film or video cassettes.

In the past, legislation in Israel (such as the Performing Artists Law) has been based on FIA resolutions, which are usually adopted as international conventions by Unesco and the International Labour Organization.

## Israeli vehicles stoned in W. Bank

Jerusalem Post Reporter

Two Israeli vehicles were stoned yesterday in the West Bank. A military spokesman said stone throwers smashed the windshield of an army vehicle in Ramallah and lightly damaged a private Israeli car near the Deheisat refugee camp.

There were no injuries in either incident, and no arrests were made. In Dura, near Hebron, schoolchildren and teachers chased two masked men from their schools yesterday, branding them "collaborators." The men unsuccessfully tried to halt lessons in both of the boys' and girls' schools.

Palestinian sources say Dura's appointed mayor, Abdel Fattah Dudin, has angered local residents by attempting to replace the schools' teachers with his own appointments.

Dudin is a relative of Village Leagues head Mustafa Dudin and Jordanian Minister for Occupied Territories Marwan Dudin, and, say the sources, is regarded as a "collaborator."



Deputy Agriculture Minister Avraham Katz-Oz (extreme right) looks on yesterday as officials of a Kinneret local body confiscate a fishing net from a fisherman who was operating without a licence. (UPFA)

## Haifa mayor hits gov't for waste

Jerusalem Post Reporter

HAIFA. — Mayor Arye Gurel yesterday blasted the government for "encouraging waste and inefficiency and punishing efficiency" by its policy of diverting funds to cities that run up big deficits.

Presenting his proposed NIS 164 million budget for the 1987 fiscal year to the press yesterday, Gurel said the government was punishing Haifa for keeping its financial affairs in order.

It was not coming through with Haifa's share of the property and entertainment taxes; was not paying its share for the maintenance of public beaches; paying only half its share for schooling, a state service, "and hardly giving us any grants at all."

"Their explanation is that we have no serious deficit," he said.

Gurel said that only 55 per cent of the budget would be covered by municipal taxes, 5 per cent less than last year. This year's budget is 31 per cent higher than last year's.

He noted that City Hall had reduced its staff by more than 50 per cent since 1979 to only 3,100, and its outstanding loans, were down to only 16.7 per cent of the budget.

### Police boat crash

HAIFA (Irim). — A coastal police boat that crashed into rocks while patrolling off the Acre coast yesterday was towed to the port here for repairs.

The incident took place at 6:10 a.m. in heavy fog. The three policemen on board were rescued after plugging the hole in the bottom of the boat.

## Arab culture week in Haifa

By YA'ACOV FRIEDLER

HAIFA. — An Egyptian folklore troupe, 30 new films from Egypt and thousands of books from many Arab countries are to make their Israeli debut on June 1 as part of this year's Arab Culture and Book Week at the Beit Hagefen Arab-Jewish Centre.

Centre director Zvi Israeli said yesterday that the 20-member troupe will present Egyptian folklore in song, dance and music. The group is to perform all over the country, in Arab towns and villages as well as in Jewish towns.

This is the first time that an Egyptian art group is coming here outside the framework of governmental agreements, he said.

Beit Hagefen is also bringing 30 of the newest Egyptian films for Arab Culture and Book Week. The films, which are being brought here in the form of video cassettes, will be screened at Beit Hagefen and in a day-long marathon in Baka al-Gharbiya.

Israeli said that if the films are well received, he intended to organize a mobile film club that will tour the Arab villages.

## PLP 'not in anybody's pocket'

By MENACHEM SHALEV  
Jerusalem Post Reporter

Progressive List for Peace leaders, upset because the Labour Party had until yesterday assumed automatic support by their two-MK faction for early elections, said yesterday that the PLP was in no one's pocket.

But the disregard of the Labour politicians, who had not consulted with the PLP was apparently shared by the press, and only two reporters showed up to hear six of the party's leaders at a Jerusalem press conference.

MK Mattityahu Peled said the PLP would not support Labour if it turned out that proposals for an international conference were just a "gimmick" by Alignment leader and Vice Premier Shimon Peres to achieve early elections.

Peled recounted that PLP representatives had approached then prime minister Peres with the idea of an international conference two years ago. "He dismissed us with contempt," Peled said.

Peres's insistence that Labour would neither negotiate with the

PLO nor recognize the Palestinians' right to self-determination had led to "reservations" in the PLP about his peace plans, Peled said.

Despite differences with Labour on the peace process, the PLP leaders said they would join the initiative for dispersal of the Knesset if Labour made a commitment to give Israeli Arabs the same rights as Jewish citizens. A recent government decision to grant Druse and Circassians full rights proved that such status had been withheld in the past, Peled said.

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Peres's insistence that Labour would neither negotiate with the

**THE VAN LEER JERUSALEM INSTITUTE**

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Oriental Studies,  
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**HEGEL, INDIA, AND THE PROBLEMS OF INTERCULTURAL UNDERSTANDING**  
Chairman: Prof. Shaul Shaked  
on Sunday, May 24, 1987,  
at 8:00 p.m.
2. Prof. DAVID PERKINS  
Graduate School of Education,  
Harvard University  
will lecture on:  
**THE MIND IS MADE OF**  
Chairman: Prof. Yadin Dudai  
on Thursday, May 28, 1987,  
at 8:00 p.m.

Albert Einstein Square  
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**17th ANNUAL BOARD OF GOVERNORS MEETING**

*Congratulations to last night's recipients of honorary doctoral degrees:*

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**Prof. MOSHE PRYWES, Israel**  
**GEORGE SHERUT, U.S.A.**

**Meeting of Press Council Executive Committee**

will be held on  
**Friday, May 22 at 11:30 a.m.**  
at Beit Sokolow, Tel Aviv.

All executive committee members are invited to participate in the meeting.

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**Inauguration of the Alec and Myra Harmot Hybridoma Laboratory**

Lecture:  
**Dr. Nechama Smorodinsky**

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**Monoclonal Antibodies and their Use in Biological & Clinical Studies**

on Thursday, May 21, 1987, at 11:00 a.m. The Cohen-Porter U.K. Building, Room 222, Tel Aviv University Campus, Ramat Aviv  
Entrance through Austria Gate (1). The public is invited.



## Interview with Yuri Orlov

## Beyond a human rights issue

The following excerpts are from an interview by Eric Greenberg with Dr. Yuri Orlov, the Soviet dissident leader and founder of the Helsinki Group who was expelled from the USSR last year.

The right of Jewish families to leave the Soviet Union transcends the limits of the important, but narrow, issue of human rights. The situation before us is also a problem of mutual security. If the Soviet Union would agree to open up its borders, this would significantly increase the warmth of relations between countries.

Soviet citizens are raised in an atmosphere of secrecy regarding the rest of the world. Those who have the power in the Soviet Union want this situation to remain intact. It is still the case that those people who wish to leave the Soviet Union are subjected to ostracism and are proclaimed to be traitors by Soviet propaganda. This situation is very dangerous for international relations. Soviet citizens are brought up in an atmosphere which promotes confrontation with the rest of the world. This is a strong argument for those advancing human rights.

Gorbachev has stated that the life of the Soviet Jew is a good life, or in any case, a better one than that of other ethnic groups. He pointed to positions occupied by the Soviet Jews as confirmations of his statements. Gorbachev's position is that there is no Jewish problem, no anti-Semitism, no friction. Of course, this is quite contrary to the reality.

Until World War II, anti-Semitism was persecuted in the Soviet Union. The statutes were clear about sentencing those guilty of ethnic animosity. At that time, the Jewish minority attained positions of importance in various institutions and cultural and intellectual circles. This was also a result of the Bolshevik Revolution which forced many Russian intellectuals to leave.

Subsequently, a redistribution of property destroyed the middle class which developed and expanded the cultural layers of the Russian society. Thank God, that one minority — the Jews — found itself filling these positions that would otherwise remain empty. After all this, Russian chauvinists still accuse Jews of appropriating all influential positions in the intellectual sphere.

After the war, an anti-Semitic



Yuri Orlov

campaign, to which I became an unwilling witness was born and began to unfold. This campaign culminated in the trial of Jewish physicians, who it was said had tried to poison Stalin. As a result, a campaign of anti-Semitism spread throughout all the USSR, and took hold of the lowest and most undesirable inclinations and tendencies in the nature of Soviet society. Although I am not a Jew, I was often taken for a person of Jewish origin. I personally felt and saw what it was like to be a Jew in the Soviet Union. I know.

After Stalin's death, the doctors were freed, but the bitter residue of the improprieties that took place naturally led to a movement which advocated the right of Soviet Jews to leave the Soviet Union. The Jews wanted to leave in order to free themselves from this very heavy burden. As the Jews articulated their desire to leave, a parallel movement of anti-Semitism started to grow.

Certainly, the times have changed since Stalin's regime. Khrushchev had swept to the side the heavy Iron Curtain. But generally speaking, the progress had not been significant. I have often had to entertain questions from even educated and erudite individuals, as well as the average members of the population, as to why the Jews want to leave the Soviet Union. I would point to anti-Semitism, but this phenomenon would elicit no feeling and no response from a non-Jewish Soviet citizen. He does not even notice it,

although it pervades the Soviet society as well as his own behaviour in subconscious and subtle, and more direct and bolder ways. But he does not see. He is so immersed in his chauvinism that he does not even realize its existence.

I don't know whether Gorbachev will allow the Jews to leave. So far, I don't think it is in the interests of the Soviet government to do so. The Jewish minority contains many hard workers, excellent scholars and brilliant theoreticians. It is less infested with drunkenness and idleness than the general population. It is difficult to part with such positive people.

I would like to mention the Yekimovs and the Rosenbergs — families who have been waiting 15 years to emigrate. Of course, there is also Vladimir Slepak, who is also a member of the Helsinki Group, just like Anatoly Sharansky. Both fought for the rights of emigration for Jews and non-Jews alike. They fought for the rights of a Russian woman from Leningrad, who wanted to emigrate but did not choose Israel as her place of residence. She had that right and they worked to uphold it. The views of Sharansky and Slepak are not limited to ethnicity, for they expand far beyond the plight of the Jews to envelop the general rights of Man. And I marvel at such generosity of spirit. I would like you to share that spirit as well.

I also want to mention Ida Nudel, a beautiful person who is my personal friend. We must get her out.

## U.S. Bar's accord with Soviets still stirs anger

By PATRICIA GOLAN

INTENSE OPPOSITION to an agreement between the American Bar Association and the Association of Soviet Lawyers (ASL) continues to engage Jewish and non-Jewish groups in the U.S. The controversial "Declaration of Cooperation" between the two law associations, which pledges to "advance the rule of law," has drawn continuous fire since its signing in 1985, even after it was overwhelmingly upheld by the ABA national convention last year.

Several American Jewish groups, notably the Anti-Defamation League of B'nai B'rith, have been lobbying for abrogation of the agreement with the ASL, an avowed anti-Zionist organization. Two-thirds of the Senate Judiciary Committee have expressed their opposition to the pact, as has Harvard law expert Alan Dershowitz. Dershowitz has said the agreement "gives the Soviet Union everything it wants and gives those who were dissidents within the Soviet Union nothing."

Opponents of the pact note that the ASL, together with the Anti-Zionist Committee of the Soviet Public, in 1985 issued a revised edition of "The White Book," which deals with dissidents and refuseniks. The book charges that Jews who want to emigrate have been "inspired by Western intelligence services," and claims that Russian Jewish immigrants to Israel often "found it impossible to bear the nightmares and humiliations of life in Israel and committed suicide." The main author of the White Book is Samuil Ziv, vice-president of both the ASL and the Anti-Zionist Committee.

AN ENERGETIC organized protest against the Declaration among the ABA rank-and-file was spearheaded a year ago by two non-Jewish lawyers from Phoenix, Arizona: Patricia Huntwork and Orest Jeana. Huntwork has spent thousands of dollars from her own pocket in this effort. Jeana is an ethnic Ukrainian pressing for Ukrainian human rights.

The Arizona-sponsored resolution to rescind the agreement was rejected by the ABA's House of Delegates last August, after a 10-hour impassioned debate on the floor during which Dershowitz called the ASL "the most reprehensible, professional organization on the face of the earth."

Advocates of the pact, including the then ABA president William Falsgraf and current president Eugene Thomas, argued that the Declaration provided a "window of opportunity" to raise human rights issues with Soviet lawyers.

"We must have a dialogue at a time when we have the capacity to blow each other to hell," says ABA spokesman Richard Collins. "We can't investigate this organization; these are the only people with whom we can talk. It's the only game in town." Without the agreement, he maintains, ABA representatives would never have been able to meet last spring, for two hours, with Soviet President Andrei Gromyko.

But according to the agreement's opponents, immediately after that visit, Ziv issued a denunciation of American Jewish support for Soviet Jewry.

The most notable exception to American Jewish opposition to the ABA-ASL agreement has been Morris Abram, chairman of the Conference of Presidents of Major Jewish Organizations, and head of the National Conference on Soviet Jewry. Abram said at last August's ABA convention that while the original 1985 agreement had "accorded a despicable propaganda front a completely unmerited measure of legitimacy," a renegotiated accord signed in the spring of 1986 had placed human rights "high on the exchange's agenda." He argued that the ABA should not scrap the "admittedly small advance without putting it to the test," and proposed a one-year trial.

ABRAM HAS BEEN denounced for not having helped defeat the motions to abrogate the pact. Task Force member William Pearl, a California attorney and local talk-show personality, has been scathing in his condemnation. "Abram has done great harm to the human rights movement. The NCJS is out of step with other human rights organizations in this country and the world," Pearl charges.

## A question of trust

The following article was written by five Moscow refuseniks: G. Grinberg, Yu. Goshand, M. Losiev, L. Losiev, Reznik. It was translated from Russian by the Soviet Jewry Education and Information Centre.

Let us consider some interrelated aspects of the problem of "security refusals" and the problem of international trust: are these problems connected and, if so, what is the influence of one on the other?

First of all, it is clear that disarmament, the most pressing problem of modern times, is complicated by the absence of trust between the U.S. and the USSR. The democratic governments have long been trying to explain to the Soviet leadership that trust cannot simply be considered a goal to be reached through disarmament; indeed, it is the absence of trust which makes negotiations so difficult and controversial.

Distrust is the fear of deception, or disinformation. Disinformation is less likely where information is readily available and subject to verification; more likely when information is withheld in the name of confidentiality.

The familiar response to this argument has been that every government has a certain amount of information which absolutely must be kept from its likely enemy. This material includes military technique and technology, the economy, resources, etc. Each country has its own tradition as to the extent of information concealed. That there is a clear disproportion in this area between the U.S. and USSR has been noted even by the Soviet press (for example, see the article in *Pravda* by the academician Zaslavsky).

This was the situation until 1972. In that year a miracle took place: in the course of negotiations Brezhnev and Nixon revealed the most cherished of military data. On this occasion both parties agreed that:

1. Each side must have full in-

formation about the other in order to conduct negotiations on arms control and, subsequently, on disarmament.

2. The data presented by the two parties was so consistent that it was possible to conclude agreements.

Recent years have only confirmed the above principles. The earlier attitude of concealing national intelligence was modified because such change was recognized as absolutely necessary in order to fulfill the agreements. And today it has come to the proposal of full openness and comprehensive control including on-the-spot verification.

Moreover, Soviet representatives declare the necessity of such changes, and their readiness to undertake them, on any level.

Several years ago Shumilin, deputy of the minister of the interior, stated in an interview that the maximum period of security refusals was five years; last year Gorbachev increased it to 10. Of course, both of these declarations happen to be false: among the refuseniks are people whose waiting periods long ago passed 15 years, and some of these have even been awarded "eternal" refusal.

But what is important here is the glaring contradiction between official logic and reality. There are two possibilities. If the leaders of the Soviet Union are seriously concerned about disarmament and hence ready to relax restrictions in the areas of secrecy, they must inevitably agree that mass refusal of Jewish emigration on grounds of secrecy is merely a pretext for the curbing of emigration and has nothing to do with national security interests.

Otherwise, all the clamour about "restructuring of thought" in the nuclear age is a great soap bubble. The Soviet leaders surely realize that they must choose between the first and the second alternative; a third does not exist.

## Georgian Jews more at home in Israel than in U.S.

Jews from the Soviet Union's Republic of Georgia who emigrate to Israel have an easier time assimilating than Georgian Jews who emigrate to the U.S., according to a study by Leah Palagi, herself an immigrant from Soviet Georgia to New York. The study, based on questionnaires filled out by 305 immigrants — 150 in Israel and 155 in Forest Hills, N.Y. — also showed that

more Georgians in Israel were religiously affiliated than the ones in the U.S.

Although Georgians in Israel are observing traditional Jewish laws to a greater extent than those in the U.S., Georgian Jews in both countries are forgetting traditions they held in their native land for more than 1,000 years, the study shows.

Compiled by Enid Wurman from reports received by the Israel Public Council for Soviet Jewry, the Soviet Jewry Education and Information Centre, the London newsletter "Jews in the USSR," the Long Island Committee for Soviet Jewry, Israel Action, and other sources in the Soviet Union, Israel, England and the U.S. The dates indicate when the reports were received.

## MAY 3

Remembrance Day, honouring soldiers who died serving the State of Israel, was observed by numerous refuseniks: former prisoners of Zion and children today in the Ovransky forest on the outskirts of Moscow.

In sharp contrast to a similar gathering in 1981 (which was violently dispersed by the KGB and which marked the arrest of Boris Chernobitsky), the more than 200 refuseniks prevailed and persuaded officials that their activities would be conducted peacefully.

As the siren rang out in Israel to mark Yom Hazikaron, Soviet Jews simultaneously also observed a moment of silence to remember those who fell in Israel's wars. Leonid Yusevich, who recently concluded a 40-day hunger strike, recounted the significance of Remembrance Day and Independence Day.

One prominent activist was not allowed to attend: Yuli Kosharov-

ky, travelling to the woods with his family, was intercepted and forced to return to Moscow.

Some 130 Moscow refuseniks have sent an appeal to Mikhail Gorbachev demanding the release of Prisoner of Zion Alexei Magarik, a 28-year-old cellist and Hebrew teacher. Magarik was arrested on March 14, 1986, and subsequently sentenced to a three-year term on spurious drug charges.

Naomi Shapiro, the daughter of long-term refuseniks Leah and Lev Shapiro, has recently addressed an appeal to Gorbachev: "My name is Naomi Shapiro and I shall be nine years old soon. My grandparents are very old: my grandpa is 83 years old and my grandama is 78 years old. But I have never seen them, and I miss them very much. They live in Israel, but we are not allowed to go there. We have been told that 17 years ago, eight years before I was born, my father had known some state secrets. But I don't know any secrets. Why cannot I go to see them even for a short time? Can it really be true that it is so dangerous for the USSR if we live in Israel together?"

"I heard that you are a very kind grandfather and love all children. You also have a granddaughter, and you play and spend a lot of time with her. I cannot even see my grandparents. I have seen them only in pictures. They are not well, and I am so eager to hug and kiss them. I implore you. Please help me."

Naomi's grandparents, Evgenia and Shmuel Shapiro, made aliyah in 1977, the same year that her parents and brother, Yisrael applied for exit visas to Israel. Write to the Shapiro: USSR; Leningrad 190608; Kanal Gribyodova 80, apt. 13, Shapiro, Leah and Lev.

In Moscow, long-term refuseniks Irina and Victor Brailovsky were told by Ovir officials that their son Leonid's and his wife Elena's applications for emigration will be considered separately from their own. Irina Brailovsky was informed that independent consideration will now be given to grown children of long-term refuseniks — who in most cases are denied exit visas on grounds of "regime considerations."

Together with Irina Brailovsky, other mothers — including Natasha Rosenzweig, Evgenia Palanker, Yelena Margulies, Nina Dikaya and Erlena Matlina — have appealed and demonstrated for the right of their children, and in some cases, their grandchildren, to emigrate.

In the case of Erlena Matlina, a 57-year-old endocrinologist, her son Mikhail Kara-Yamov and his family have been granted exit visas.

In Moscow, Felix Abramovich, the son of long-term refuseniks, Marta and Pavel Abramovich, has submitted his own application for emigration, separate from his pa-

## News calendar

ments. In Leningrad, Mikhail Tarantova, son of long-term refuseniks Ida and Aba Tarantova has also applied independently.

MAY 4 Following the desecration of graves in the Jewish cemetery on April 17 and 20, *Leningradskaya Pravda* reported on April 22 that criminal proceedings had been instituted in connection with "an act of hooliganism" in which unknown persons knocked down and damaged over 125 gravestones. The report said that "the people of Leningrad are indignant and demand severe punishment for those responsible."

MAY 5 Former Prisoner of Zion Lev Elbert, the engineer who recently completed a 47-day hunger strike with his wife Anna for their right to repatriate to Israel, spoke with Makarov today of the Ministry of Interior. The official informed him that the Elberts were on a new list of refusals. Makarov phoned back a half hour later apologizing for his error and saying that the Elberts' case was still being reviewed, and that an answer should be forthcoming in two weeks' time. In Kiev, their 16-year-old son, Carmel, who had joined his parents during their prolonged hunger strike, was suspended



from school because of "systematic absenteeism."

The Elberts first applied for exit visas in 1976.

MAY 7 Prisoner of Zion Yuli Edelstein, serving a three-year sentence on spurious drug charges, was released four months before the end of his term on Israel Independence Day. His wife travelled to Novosibirsk to accompany him on the two-day journey home to Moscow. Approximately 100 refuseniks gathered to welcome him to Moscow at 11 a.m. today at the Kazansky train station. Later, Edelstein said, "From this year forward, Israel Independence Day will always be a double celebration for our family. During this difficult period, I felt the constant strong support from the people and government of Israel, and I wish to express my heartfelt appreciation to all of you. Our greatest hope is to repatri-

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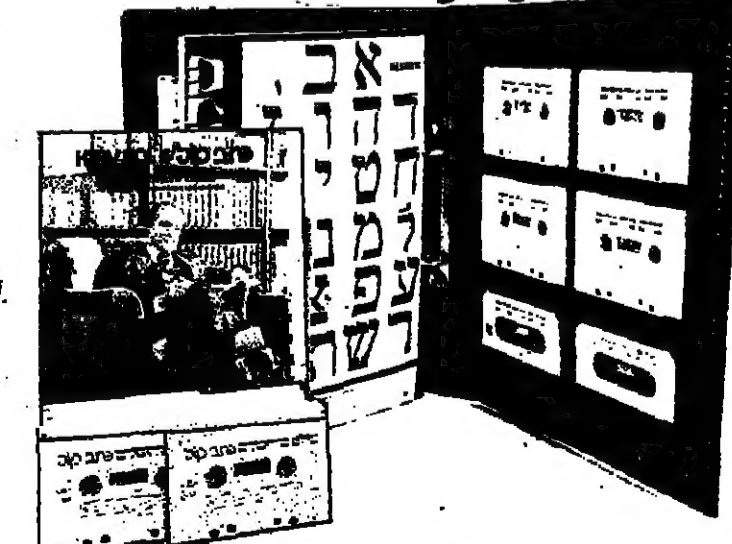
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THE STATE should not interfere with a couple's decision to have a child by a surrogate mother, according to Pinhas Shifman, who teaches family law at the Hebrew University.

"Reproduction is an intimate matter that is properly left to the individual," he says.

Surrogate motherhood, he adds, can and should be viewed positively as it enables a couple to realize their right to parenthood. The practice deserves approval from the point of view of Halacha as well, he says, since it makes it possible to fulfill the religious commandment to "be fruitful and multiply." For a couple unable to have children by other means, one could even argue that surrogate motherhood is a religious duty.

Theory aside, what would happen if a case like that of Baby M came before the courts in Israel? Last week, the health minister signed regulations that effectively prohibit surrogate motherhood. A woman

# Publishing the ban

New Health Ministry regulations aim to outlaw surrogate motherhood. Family law expert Pinhas Shifman disagrees with the ministry, and tells Ron Jourard why.

may not carry the fetus of a couple who pay for the resulting baby and raise it as their own.

In the Baby M case, decided in March in a New Jersey court, Mary Beth Whitehead had agreed to bear a child for William and Elizabeth Stern for \$10,000, and as part of the deal she was artificially inseminated with Stern's sperm. But right after she gave birth, she changed her mind and insisted on keeping the child.

After ruling that the contract was valid, the court awarded custody of

Baby M to the Sterns and, out of concern for the child's welfare, denied Whitehead visiting rights. The court's decision has been appealed.

The central problem in such a case, says Shifman, is one of child custody, in which the paramount consideration is the welfare of the child. (Here, such a case would be heard in the district court, unless the parties agreed to settle it in rabbinical court.)

If the dispute came before the court immediately after the birth of

the child, it is likely that psychological bonding between mother and child could not be cited as grounds for awarding custody to the mother, says Shifman.

The court would consider giving custody to the mother because of the "tender years" doctrine in Israeli law, which holds that children up to the age of six should be raised by the mother. But the court can deviate from the doctrine if special reasons exist: If the mother was unmarried, for example, says Shifman, the father's ability to raise the child in a two-parent family would be grounds for paternal custody.

Shifman takes issue with the tender years doctrine, which originates in Halacha. It is not supported by empirical evidence, he says, and there is thus no reason to automatically favour the mother over the father. Applying the doctrine in a surrogate motherhood case, he warns, can be dangerous. It could lead other couples to use the "worst" women as surrogate mothers to counter the presumption that the mother is best suited to raise the child. For instance, the couple might hire a prostitute so that they could ask the judge: "Would you award custody to a whore?"

If the child's welfare can be served at least equally by giving custody to the father, priority should be given to the father's right to parenthood, contends Shifman. But don't both parents have an equal right to raise the child? Assuming that the father's own wife is unable to bear children, and given that the mother can have more babies, favouring the mother would rob the father of his only chance to procreate inside his marriage.

Also militating in favour of the father is the fact that the mother originally agreed to surrender the child to him, says Shifman. In deciding the question of custody, the court should try to ensure that the legitimate expectations of the sides are fulfilled.

Naturally, the expectations of the parties are legitimate only if the contract upon which they are based is valid. If the contract is deemed invalid, the court need not attach any weight to the obligations it imposes on the couple and the surrogate mother.

Would such a contract be found invalid? Under Section 30 of the Contracts Law, 1973, a contract is void if it is "illegal, immoral or against public policy."

One must distinguish, says Shifman, between the mother's agreement to produce the child and hand him over to the father, and her agreement, which is likely part of the same contract, to have the child adopted by the father's wife. The court could find the first part of the contract valid and the latter part invalid.

The agreement to give custody to the father could be seen as a violation of the law against the sale of children (Section 364 of the Criminal Code). But, according to Shifman, the prohibition would not apply to the surrogate mother arrangement because it does not involve a sale. The father is simply taking custody of his own child.

Shifman points out that in divorce settlements, child custody is often determined by the parents as part of a package deal in which the family assets, such as a car and an apartment, are divided up. No one has suggested that such accords constitute the sale of children, he notes.

Nor is the agreement to bear the child and hand him over to the father immoral, says Shifman, not even under Jewish law. However, some rabbinical authorities might disagree, he concedes.

As evidence that Jewish law might



Natural father William Stern carries 'Baby M.'

(AFP photo)

endorse the agreement, Shifman points out that surrogate motherhood existed in biblical times, albeit in a different form. Rachel, Jacob's wife, being barren, gave her maid-servant Bilha to Jacob so that she may bear him a child. It was the custom for such children to be adopted by the wife of their father, whereupon the mother, a concubine, relinquished all rights to the child.

Surrogate motherhood involving artificial insemination could be sanctioned under Jewish law, if there was no risk of incest. If the surrogate mother was married, such a risk would exist because of doubts regarding the identity of the father, who in Halacha is *prima facie* presumed to be her husband.

Moreover, some rabbinical opinion holds that impregnating a married woman with semen from a Jewish man other than her husband is tantamount to adultery. According to this view, the offspring of such an arrangement would be *mamzerim*, barred from marrying other Jews.

The doubts would be minimized and rabbinical approval could be won, says Shifman, if the surrogate mother were unmarried. The father's identity would be certain, and an unmarried woman cannot be an adulteress.

By artificial insemination of a single woman, a man performs his duty to procreate without engaging in illicit relations, says Shifman. He rejects the view held by some scholars that the commandment to propagate can only be fulfilled through sexual intercourse.

Religious authorities could approve of surrogate motherhood on formal, technical grounds and yet rule against it for fear that the practice, by separating procreation from marriage, could in the long run lead to permissiveness and disintegration of the family.

Even if the rabbis rejected surrogate motherhood, the court could still rule that under secular Israeli law it was neither immoral nor against public policy.

Israeli law, while based on religious principles in matters of marriage and divorce, does not necessarily follow religious law in issues of morality and public policy. In 1979, for example, the Supreme Court ignored the opposition of religious scholars to artificial insemination by Donor (AID), when it recognized the legality of an agreement between spouses for artificial insemination. (The husband had consented to the artificial insemination of his wife with sperm from an anonymous donor, and the court ruled that he had a duty to support the child.)

WHAT OF the argument that the contract is immoral or against public policy because the woman had agreed to produce the child and give custody to the father solely because

her husband's sperm and implanted in another woman's womb. In such a situation, it could be argued that both the husband's wife and surrogate mother were the child's biological mothers. The husband's wife could thus be recognized as the child's mother without undergoing adoption proceedings.

While relevant today, Shifman's legal arguments may all become academic when Health Ministry regulations on *in vitro* fertilization (IVF) and artificial insemination are passed.

IVF regulations have already been prepared by the ministry and are to be published shortly, according to Tzvi Levine, the ministry's legal adviser.

Under the regulations, the egg donor must remain anonymous and will have no rights or duties regarding the child. The woman in whose womb the fertilized egg is implanted — the sperm must come from her husband — will be recognized as the mother. IVF under any other circumstances will be prohibited.

IVF will be permitted only at authorized hospitals. Persons violating the regulations will face a fine and imprisonment, and delinquent doctors could lose their licence.

According to Levine, the ministry is drafting regulations on artificial insemination that will implicitly ban an arrangement of the Baby M type, in which the sperm donor is known to the recipient and the recipient undertakes not to take custody of the child.

The proposed regulations, which he says are to be issued in the coming months, will restrict artificial insemination to authorized hospitals and clinics.

The regulations are being drafted in coordination with an advisory committee of top obstetricians and gynecologists and the Supreme Helsinki Committee, which formulates policy on medical matters involving legal and ethical problems. (The 11-man Helsinki committee, a brainchild of the World Health Organization, is made up of a rabbi, a jurist, a philosopher, a public representative and doctors.)

The ban on surrogate motherhood is consistent with the recommendations of a 1985 report on IVF published by the Israel Medical Association (IMA). The report, by a commission of doctors, jurists and rabbis, questioned the validity of the surrogate mother's consent. "The action she agreed to does not end immediately but binds her for a long time," said the report. "and it is doubtful if at the time she gave her consent she was aware of the emotional attachment she might develop during pregnancy."

The IMA commission also expressed concern that the financial straits of the surrogate mother might be exploited by women seeking to evade pregnancy. "Such apprehension calls for a ban on surrogacy for money," said the report.

"But voluntary surrogacy is unrealistic because of the difficulties involved. And if a volunteer is found, she will probably be a very close relative, and then secrecy and privacy will disappear, which will make the difficulties even greater."

Shifman opposes the banning of surrogate motherhood, and questions the legality of ministry regulations purporting to do so. "Limiting a fundamental right, such as the right to parenthood, can only be done by Knesset legislation," he says.

"The state," he adds, "should not interfere in matters of reproduction except in extreme cases, to prevent harm to others." For example, interference might be justified in the case of the severely retarded, who can be compelled to use contraception. Similarly, laws banning sex with minors and child marriages, which restrict the right to procreate, might also be justified.

Non-intervention, he stresses, does not necessarily mean approval. For example, the fact that the state does not enforce the law against sex between consenting adult homosexuals does not mean that it condones such relations.

"There are controversial matters in which it is neither necessary nor desirable for the state to assert a position," says Shifman. "Surrogate motherhood is one such matter."

showed strong rhythmic backbone and infectious bounce and included charming references to their programming titles. One selection of Couperin's 12 short pieces — a set of variations, really — under the overall title *Les Folies Françaises* was played in conjunction with a screening of drawings by Avi Lev, each based on the colour designated as the title of each piece.

In Ravel's *Chansons Madecasses*, as sensuous and picturesque piece of music as any, the mode of expression was classically balanced, at once involved and perfect. Mira Zakai's intelligent, refined artistry proved no less of an asset than her magnificent voice in moulding a performance of luxurious grandeur. The instrumentalists, especially Jonathan Zak at the piano, were an important part of the overall effect.

The Faure quartet, written late in the composer's life, when his style had become increasingly austere (Faure was deaf by then) received a committed reading from the ad-hoc group — violinists Shimon Ablovitch and Leonid Kerbel, violinist Rachel Kamun and cellist Doron Toystor.

Villa-Lobo's *Sonata-Fantasy No. 2*, on the other hand, a rambling composition in grand-Romantic style, seemed rather stodgy. Additional interpretive ingenuity, subtlety and tonal imagination could have added a great deal to the rendition by Ablovitch and pianist, Zehava Simoni.

ELI KAREV

Today is edited by Amy Levinson

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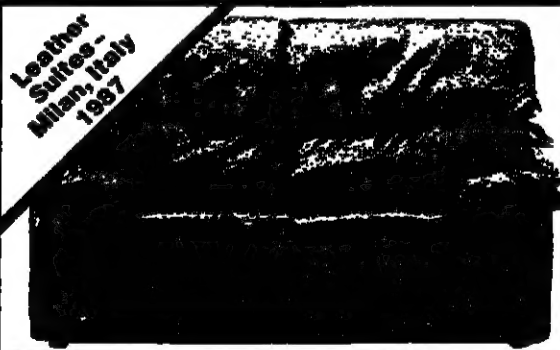
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## Chaotic concert



strength of determination than by utter desolation — an interpretation which seemed to lack justification.

All the instrumental sections — the woodwind soloists especially — acquitted themselves with high honours, blending into a truly homogeneous sonar entity.

Beneath its innocent surface, Haydn's relatively late *Sinfonia concertante* is, like much of the composer's output, a rather tricky piece in that it demands each of the four soloists to wear two hats at once — that of a sparkling virtuoso and that of a subtle chamber-musician. Uri Pankas, Michael Haran, Bruce Weinstein and Zeev Dorman proved fully capable, retaining their interpretive individualities while collaborating in various combinations with complete deference to one another.

It was the rough-shod reading of the opening Weber overture which made the shortage of rehearsal time all too obvious.

MUSICAL AFTERNOON, Michael Haran director, (Tel Aviv Museum, May 15.) With Laurette Goldberg (USA), harpsichord; Mira Zakai, violin; Shimon Ablovitch, violin; Leonid Kerbel, violin; Rachel Kamun, violin; Doron Toystor, cello; Avner Blum, bass; Zehava Simoni, piano; Jonathan Zak, piano. Couperin: 4 Preludes from L'art de toucher le Clavecin, Les

Folies Françaises; Rameau: La Douphine, Le Regard des Oiseaux, Menuet and Rondeau, Tambourin; Villa-Lobo: Sonata-Fantasy No. 2; Faure: String Quartet Opus 121; Ravel: Chansons Madecasses.

MICHAEL Haran's latest, and this season's last, Musical Afternoon covered a remarkable wide historical range — from the early 18th-century Francois Couperin to mid-20th-century's Heitor Villa-Lobos. Works by Faure and Ravel, the pillars of this century's French music, rounded out the evening bill.

What was fascinating about the character pieces by Couperin and his younger contemporary Rameau was that, the supposedly limited resources of the harpsichord notwithstanding, all held their own ground against modern music in terms of vividness, vitality and expressive intensity. This might have had something to do with the presentation by Laurette Goldberg, an American harpsichordist who is a frequent visitor to these shores — her performance was winningly immediate, technically brilliant and rich in telling detail. Goldberg played the slow Couperin preludes as if unveiling one fascinating rhythmic, textural or harmonic detail after another and letting the listeners in on the secret of her discoveries. The fast pieces

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## BANKING ON IT/Pinhas Landau

مكتبة



# Paper Mills net up 16% in 1st q.

By KEN SCHACHTER  
HADERA. — American Israeli Paper Mills Ltd. yesterday reported that net profit rose 15.6 per cent in the first quarter to \$2.38 million on net sales of \$44.2m.

For all of 1986, the company — the 12th largest industrial in Israel in terms of sales — said it had net income of \$9.35m. on sales of \$145.66m. During the nine-month 1986 fiscal year, which was abbreviated to open the new fiscal year in January, net income was \$4.35m. on sales of \$81.60m. If the 1986 figures are extended through a theoretical fourth quarter, net income would have been \$5.8m. and sales \$108.8.

The 1986 figures also showed an increased return on shareholders' equity of 13.1 per cent, compared with 8.5 per cent in 1985.

The company also declared an interim cash dividend of 30 cents per share, payable on June 1.

In its annual report, the company attributed the upturn in business to a surge in domestic demand that put production facilities at full capacity throughout the year.

In 1986, the company's exports climbed to \$5.3m. from \$1.5m. for the nine months of the previous year.

The figures were released as Industry and Trade Minister Ariel Sharon toured the company's Hadera facilities and marked the half-millionth ton of recycled paper processed there.

American-Israeli, which accounts for 95 per cent of Israeli paper production, makes printing and writing



Industry and Trade Minister Ariel Sharon cuts the wires holding a bundle of waste paper, beginning the recycling process at American-Israeli Paper Mills Hadera plant yesterday. It was part of a half-million tons collected by the paper mills Amnir Recycling Industries Ltd. unit.

paper, wrapping papers, facial tissue, napkins, diapers, folding boxes, towel rolls and cardboard, among other products. Corporate officers reported particularly high demand last year for the company's disposable products, such as paper plates, cups and its Titulin diapers, whose sales increased 50 per cent.

AIPM stock, which trades on the American and Tel Aviv stock exchanges, closed in New York at \$26.50. Trading in Tel Aviv was suspended pending the news of the

company's results.

The company has launched a five-year, \$10m. capital improvement project that includes: a fourth production line in Afeka for paper; a plastics recycling plant in Hadera; a printing ink plant in Ashdod; and the rebuilding of Paper Machine No.3 in Hadera used for manufacturing household papers.

Despite increased demand, inventories stood at \$21.24m. at the end of fiscal 1986, compared with \$15.54m at the end of 1985.

# 'Cannon should be closed'

By TOM TUGEND  
Jerusalem Post Correspondent  
LOS ANGELES — The Cannon Film Group, deeply in debt, should be pushed into bankruptcy "to extract the greatest value from the existing assets," a small New York investment firm has advised its clients.

The firm of Bala Zorn Gerard Inc. estimates that if Cannon paid off its banks, the film group run by Menahem Golan and Yoram Globus would have only \$263 million of assets available to pay \$465m. of unsecured debt — equal to 57 cents on the dollar.

The Los Angeles Times on Monday quoted Lisbeth Barron, an

analyst with the research-minded New York investment firm, as saying that "it's better for bond-holders to press for immediate liquidation. The longer the company is allowed to operate, the less the assets will be worth, because they'll be sold off and the cash will be used to fund the operating losses. The company is living now to make the interest payments."

Barron's report also noted that the U.S. Securities and Exchange Commission is probing Cannon's claim of \$45m. in revenue received last year from the licensing of films to a West German distributor. Globus has vigorously defended the legitimacy of that contract.

# Phoenix profit doubled to NIS 5.15m. in '86

Phoenix Assurance Co. announced last week a near-doubling of its net, inflation-adjusted profits for 1986 to NIS 5.15 million, representing a net return on equity of over 19 per cent.

Chairman David Hachemy noted in his accompanying report to shareholders that the \$120 million claim filed against Phoenix in February 1985 by the receivers of the defunct FIT brokerage firm lacked any legal basis — in Phoenix's opinion. Phoenix has requested the court to dismiss the claim, but the legal maneuvering is apparently only in its early stages.

According to legal opinions in the company's hands, even the adoption by the claimants of an alternative legal tactic will not result in Phoenix absorbing liability for FIT's collapse. And, if there is any liability on the company's part, it will be limited to

marginal sums. Net profit after tax totalled NIS 8.68m., from which NIS 3.5m. was set aside as a provision for special risks, leaving a bottom line of NIS 5.15m., 89 per cent higher than 1985's equivalent figure of NIS 2.7m.

Total insurance premiums grew 6.7 per cent in real terms to stand at NIS 239m. Phoenix's life insurance portfolio rose from just under NIS 6 billion at the end of 1985 to NIS 7.27b. a year later. Profit from the life insurance sector grew from NIS 3.4m. to NIS 6.75m., with the sharp increase primarily stemming from a reduction in the amount set aside for extraordinary risks, which fell from NIS 5.64m. to NIS 3.6m.

Phoenix's board recommended that the interim dividend of 40 per cent already paid, which amounted to NIS 2.5m., should be considered final for 1986.

# COMPANY RESULTS

Company	1987	1986
Optrotech Ltd.		
Electro optics		
1st Quarter		
Revenue	\$8.6m.	\$6.8m.
Net income	\$453,575	\$42,296
Per share	\$0.09	\$0.01
Fadoll Ltd.		
Oil exploration		
Year		
Revenue	NIS (447,413)	NIS 1,107,626
Net income	NIS 55,504	266,960
Gilbey Sabina Ltd.		
Textiles		
Year		
Revenue	\$11,530m.	\$11,530m.
Net income	\$58m.	\$57m.

# Aliya-Leumi profit quadruples

Post Economic Staff  
Net profit at Bank Leumi's Bank Aliya-Leumi unit quadrupled in the first quarter from the same time a year earlier to NIS 420,000, the bank said yesterday, adding further confirmation of a turnaround in the bank sector from its dismal 1986.

The bank reported that operating profit before taxes soared to NIS 1.1 million from NIS 64,000 a year earlier. In first-quarter 1986, the bank had a net of just NIS 24,000. Paid-up capital grew 3.64 per cent in the 1986 quarter to NIS 12m.

# Israel Money Markets

Bank	Deposit	1 month	3 months	6 months	12 months
Leumi (May 13)	500-999	10.00	10.00	10.00	10.00
	1,000-2,499	10.25	10.25	10.25	10.25
	2,500-4,999	10.50	10.50	10.50	10.50
	5,000+	10.75	10.75	10.75	10.75
Hapoalim (April 28)	Up to 999	10.00	10.00	10.00	10.00
	1,000-2,499	10.25	10.25	10.25	10.25
	2,500-4,999	10.50	10.50	10.50	10.50
	5,000+	10.75	10.75	10.75	10.75
Discount (May 17)	50-999	10.00	10.00	10.00	10.00
	1,000-2,499	10.25	10.25	10.25	10.25
	2,500-4,999	10.50	10.50	10.50	10.50
	5,000+	10.75	10.75	10.75	10.75
First Bank (May 8)	Up to 999	10.00	10.00	10.00	10.00
	1,000-2,499	10.25	10.25	10.25	10.25
	2,500-4,999	10.50	10.50	10.50	10.50
	5,000+	10.75	10.75	10.75	10.75

Bank	1 month	3 months	6 months	12 months
Bank Leumi	10.00	10.00	10.00	10.00
Bank Hapoalim	10.00	10.00	10.00	10.00
Bank Discount	10.00	10.00	10.00	10.00
Bank First	10.00	10.00	10.00	10.00

Source: Bank Leumi. Rates vary according to size of deposit.

# Shelkei Foreign Exchange Rates (May 18)

Currency	Buy	Sell	Banknotes	Rep.
U.S. dollar	1.5737	1.5833	1.54	1.61
Deutschmark	0.8888	0.8979	0.87	0.91
French franc	0.2852	0.2888	0.28	0.29
Japanese yen (100)	1.1285	1.1426	1.10	1.15
Swiss franc	0.7851	0.7959	0.77	0.80
British pound	0.2333	0.2384	0.23	0.24
Italian lire (1,000)	0.2379	0.2408	0.23	0.24
Spanish peseta (100)	0.2388	0.2428	0.23	0.24
Portuguese escudo (200)	0.3838	0.3894	0.38	0.39
Belgian franc (10)	1.1735	1.1881	1.15	1.20
Australian dollar	1.1338	1.1488	1.10	1.15
S. African rand	0.7800	0.7986	0.51	0.51
Canadian dollar	0.6259	0.6432	0.62	0.64
Israeli sheqel	1.2010	1.2167	1.17	1.20
Jordanian dinar	—	—	4.48	4.78
Egyptian pound	—	—	0.86	0.86
ECU	1.8406	1.8635	—	—
Irish punt	2.5708	2.6003	2.52	2.68
Spanish peseta (100)	1.2945	1.2983	1.23	1.31

Source: Bank Leumi.

# Foreign Markets

## EUROPEAN FINANCIAL MARKETS (May 18)

Precious Metals	Libor Rates
Gold	1 month 8 1/4%
Silver	3 months 8 1/4%
Platinum	6 months 8 1/4%
	12 months 8 1/4%

## Foreign Currency Crossrates (London 15:30 - GMT)

Currency	Spot	3 months	6 months	12 months
Forward rates				
Deutschmark	1.883747	1.883747	1.883747	1.883747
French franc	1.777050	1.777050	1.777050	1.777050
Japanese yen	1.128513	1.128513	1.128513	1.128513
Swiss franc	0.785100	0.785100	0.785100	0.785100
British pound	0.785100	0.785100	0.785100	0.785100
Italian lire	0.237900	0.237900	0.237900	0.237900
Spanish peseta	0.238800	0.238800	0.238800	0.238800
Portuguese escudo	0.383800	0.383800	0.383800	0.383800
Belgian franc	1.173500	1.173500	1.173500	1.173500
Australian dollar	1.133800	1.133800	1.133800	1.133800
S. African rand	0.780000	0.780000	0.780000	0.780000
Canadian dollar	0.625900	0.625900	0.625900	0.625900
Israeli sheqel	1.201000	1.201000	1.201000	1.201000
Jordanian dinar	—	—	—	—
Egyptian pound	—	—	—	—
ECU	1.840600	1.840600	1.840600	1.840600
Irish punt	2.570800	2.570800	2.570800	2.570800
Spanish peseta (100)	1.294500	1.294500	1.294500	1.294500

Source: Bank Leumi.

## NEW YORK FINANCIAL MARKETS (May 15)

U.S. Money Rates	
Prime rate	8.25%
Broker loan	8.00%
NY Fed (3 months)	7 1/8% - 7 1/4%
Discount rate	5.5%
Fed funds (late)	5 1/2%
Long-term bond	96 1/2% - 102 1/2%

## New York Foreign Exchange

Currency	DMK	SPR	STG	YEN	CAN
Prev. closing	1.778070	1.465080	1.883747	1.128513	1.386910
Opening	1.778070	1.465080	1.883747	1.128513	1.386910
Lowest	1.778070	1.465080	1.883747	1.128513	1.386910

Comment: The dollar maintained its firm tone yesterday in trading after the closure of the Chicago futures market. Although the dollar's firmness was mainly attributed to its found support from trader speculation that the Fed will shortly raise the rate in the form of a U.S. discount rate rise to help stabilize exchange rates.

## Precious Metals

Gold	Spot	471.20	Silver	Spot	8.06
Prev. close	474.80		Prev. close	8.43	

## Wall Street (Prices as of 16:00 GMT)

Market Indices	NYSE Highest Volume
DJ Industrials	2,282.95 -0.98
DJ Transport	955.05 -0.81
DJ Utility	185.83 -0.17
NYSE Comp.	181.20 -0.75
NYSE Ind.	187.22 -0.75
NASDAQ Comp.	413.28 -0.62
S-P 500 Index	282.57 -0.67
S-P 500 Vol.	264.90 -4.37

## Statistics

NYSE	Volume	173,816,800	NASDAQ	Volume	128,524,800
Stocks up	344		Stocks up	1121	
Stocks down	1,021		Stocks down	1,029	

Comment: The pace of trading began to slow along with the intensity of the selling pressure yesterday, but stock prices remained at depressed levels and continued concern that inflation and interest rates are on the way up. That sentiment led investors to inflation hedges, such as oil.

Hereafter: The active with a gain of 18% after British Printing and Communication launched a takeover.

## Israel Stocks Traded in New York

NYSE/Amex	Last	Prev. close	High	Low	Vol.
Alliance	—	—	—	—	—
Amir Pap	28 1/2	28 1/2	28 1/2	28 1/2	30
Amir Corp	1 1/4	1 1/4	1 1/4	1 1/4	30
Carroll Corp	8 1/4	8 1/4	8 1/4	8 1/4	87
Bedini	1 1/4	1 1/4	1 1/4	1 1/4	251
El Lavand	8 1/4	8 1/4	8 1/4	8 1/4	1
Laser Ind.	12 1/2	12 1/2	12 1/2	12 1/2	78

## Over-the-Counter

Anyt	Last	Bid	Ask	Interpharm	Last	Ask
Bank Leumi	—	—	—	Optrotech	8 1/4	8 1/4
Elbit	10 1/4	10 1/4	10 1/4	Rada	2 1/4	2 1/4
ECI Tel	6 1/4	6 1/4	6 1/4	Schex	3 1/4	3 1/4
Elron	7 1/4	7 1/4	7 1/4	Taro	1 1/4	1 1/4
Fibronics	7 1/4	7 1/4	7 1/4	Teva Pharm	3 1/4	3 1/4
IDB	—	—	—	SPI	3	3
IS	—	—	—	—	—	—

## OVERSEAS FINANCIAL DATA

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# UNIVERSITIES

(Continued from Page One)

dent Union elections are to be held tomorrow. Many students wore badges reading: "1,550-second class."

As right-wing protesters chanted "PLO, PLO," and leftists responded with "Fascism will not prevail."

At the Ben-Gurion University of the Negev, hundreds of Jewish and Arab students staged a joint demonstration. "There is no special price for Jews and Arabs when you buy a bus ticket, so there is no reason for special prices in tuition fees," said Student Union leader Avi Levinson.

Hundreds of students and academic staff at Tel Aviv University held a protest demonstration.

At Haifa University, Jewish and Arab students, many wearing improvised yellow cardboard patches marked "Arab" held a protest demonstration at noon. They were joined by members of the faculty of the University.

Earlier, the University management announced that it would refuse to collect the \$500 extra fee from its Arab students, as protests were voiced over the city, starting with Mayor Arye Gurel.

Gurel, who was holding a press conference on the city's new budget, called the government's "discriminatory" decision "intolerable."

Dr. Mahmoud Abassi, a writer who is chairman of the Beit Hagafen Arab-Jewish centre, told *The Jerusalem Post* that he considered the measure "an ugly blow" which had been softened by the immediate reaction of Jewish intellectuals and leaders.

The Technion management also condemned the government's decision and said the government had not carried out the University Grants Committee proposal to raise fees, to all students, to \$1,700.

Salim Joubran, the retired head of the Haifa Labour Council's Arab Department, "regretted the measure."

"I have always fought for equality, because I believe it strengthens our identification with the state. By the same token, discrimination weakens it," he said.

The Likud faction executive met yesterday and lined up solidly behind the cabinet decision on Sunday to allow IDF veterans lower tuition fees, a move which the Alignment regards as penalizing Arab students.

The Likud executive said that IDF veterans deserve to enjoy special benefits and noted that the Alignment governments were the first to grant comparable benefits to the dependants of IDF veterans.

The issue of university tuition is due to come up in the plenum today in the form of four motions of no-confidence tabled by four opposition parties: the Democratic Front for Peace and Equality, the Progressive Peace List, the Citizens Rights Movement and Mapam.

Because the Alignment objects fiercely to the cabinet's decision, several members of the faction have threatened to boycott the no-confidence vote today.

All the Alignment MKs condemned the decision in the strongest possible terms and called for a revision. Binyamin Ben-Eliezer of the Alignment's Yabab wing said the effect would be to create a potential security threat among Arab students. Simcha Diniz said that the cabinet decision highlighted the impossibility of a dialogue on such issues between the Likud and the Alignment.

Abdel Wahab Darousha, the only Arab MK in the Alignment, said he no longer belonged to the coalition because the cabinet decision discriminated against him and all his family.

Moshe Arens, the Likud Minister without Portfolio who handles Arab affairs, said yesterday that the Alignment's criticism of the decision was "demagogic and incitement." He said that since the number of Jewish students who had not served in the IDF was larger than the number of Arab students, the cabinet decision did not constitute discrimination.

# SOVIET JEWRY

(Continued from page 5)

the imposition of international regulations in order to stop the violations of human rights for Soviet Jews denied exit visas on the pretext of so-called "security." We insist on the recognition of our rights to repatriate to Israel under international laws and guarantees. The tragedy of Yuri Shepizman's fate should not be in vain."

The signatories included: Vladimir Litshitz, Nadezhda Fridkova, Raul and Galina Zelichneok, Leonid Kabanov, Boris Lokshin, Mark Budniksky and Avram Kagan.

MAY 13  
Galina Litshitz, a philologist and a refusenik for the past eight years began an indefinite hunger strike on May 1. Together with her husband, Boris, and son, Konstantin, Galina first applied for an exit visa in 1979. The Litshitz family was given a refusal ostensibly because of Boris's "security." In addition to being



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## Simple discrimination

A WAVE of protests swept the country's universities – indeed the country itself – yesterday, following the government's decision that army veterans be charged \$500 less in tuition fees than non-veterans, who will have to pay next year's increased fee of \$1,550 in full. The decision, taken by the slimmest of possible majorities – 12 to 11: in essence the Likud v. the Alignment – was blasted as being directed at Arabs as Arabs, and thus as being discriminatory if not actually racist in character.

Incensed Likud spokesmen rejected the criticism. Minister-without-Portfolio Moshe Arens, his party's leading – if not only – champion of full equality of rights for Arabs on both sides of the Green Line, who handles Arab affairs for Premier Shamir, countered by pointing out that more Jews than Arabs would be affected by the decision.

This was certainly correct, too, as Jewish university students outnumber Arabs by more than 15 to 1.

Mr. Arens also justified the decision by the fact that exemption from army service yields its beneficiaries a considerable economic advantage. This is not strictly true: a record of army service is an almost obligatory admission card to more than a few positions in the economy. But it is true enough to warrant special consideration for the young men and women who give, as they are called upon by law to do, several of the best years of their lives to the nation's defence, when, after completing their term of duty, they choose to pursue higher studies.

Their contemporaries who for whatever reason are not taken into the army are free to go straight from high-school to university, and thus gain a definite head-start over the soldiers. Or else they are free to engage in full-time work, which should enable them to save enough for university in the event that their families cannot afford the expense.

Opponents of the government's decision, virtually without a dissenting voice, appear to support state tuition grants to army veterans.

This led Mr. Arens to wonder aloud yesterday what the difference was between the grant system and a two-tier tuition structure favouring veterans. He himself could see none. But if there is no difference, then the question that requires an answer is why the cabinet majority adopted the method proposed by Science and Technology Minister Gideon Patt, which should have been expected to arouse the fiercest resistance – not only from the entire Arab minority in the land, but from a large section of the Jewish community which deplores any instances of discrimination.

The only answer that makes sense is that the offence was deliberate, and that it was aimed at winning the Likud some ultra-nationalist anti-Arab votes from Tehiya and Kach.

Likud spokesmen will not admit it, of course. The promotion of racism has been outlawed in Israel, and courting Kahane's cohorts openly is still not good form. So the well-known fact is now being dredged up that Druse, Circassians and some Beduin do serve in the army and will, under the government's decision, pay the lower fee if they go to university. But this minor exception is insignificant. The overwhelming majority of Arabs in Israel do not serve in the army, because the army, not trusting them to carry arms in the country's defence against their brethren across the borders, does not want them in.

True, the Arabs are not particularly keen on being drafted, or even on volunteering if it were practical. But the fact remains that the policy against drafting Arabs is the army's – that is, the government's – own. It is not a favour to Arabs, on the order of the exemption granted to yeshiva students and Jewish religious women. And Arabs in Israel have been offered no alternative to army service in the form of compulsory national service, which is available to the Jewish women.

This official policy cannot be held to deprive Arabs of the right to access to universities. Not any more than it can deprive them of their right to vote for and be voted into the Knesset.

There are, however, more than a few Jews in the Jewish state who do not see it quite that way. To them, Arabs are a disloyal lot who, if they insist on staying on here, should at least be discouraged from going to university. And if they do go, they should pay the maximum fee allowable, and no bones should be made about this. It is these Jews that the Likud is now courting.

The legality of the decision may yet be subject to challenge before the High Court of Justice. But there is little question that it represents the most blatant instance of wholly unwarranted discrimination in the nation's history, not least because it is not simply an administrative measure but a government decision. Meir Kahane was right about it. It is fully in the spirit of Kach.

## ... That solves no problem

PERHAPS the biggest irony of the government's decision on university tuition fees is that it purported to contribute to the solution of the universities' current financial plight.

It will do hardly anything of the sort. Even if the universities agreed to implement the two-tier tuition system – which most, if not all of them, will not – the contribution would be minimal. The universities, having acknowledged their share of responsibility for the mess in which they now find themselves, are asking from the government much less than they need, and deserve – \$25 million in additional grants – to maintain minimally decent standards of teaching and research. They have already taken stringent corrective measures themselves.

Finance Minister Moshe Nissim, aided and abetted by that champion of science and technology, Mr. Patt, is, however, counselling the universities to tighten their belts still further, and to put the emphasis on efficiency. This, needless to say, could easily be done if, say, half the student body and faculty members were to be chased out of academe.

The other half would merely be called upon to work overtime to make sure that Israel remains "a light unto the nations."

## PATT

"Patt go home," chanted the hecklers as one student went up to receive his degree wearing a sign on his back that read: "\$1,500 – second class."

The minister looked distinctly uncomfortable. But worse was to come. All hell broke loose when graduate Yan Foreman went up on the stage to collect his masters degree in biochemistry.

"I refuse to take my degree while someone who takes racist decisions is on the stage," he announced. University security guards jumped on the platform, apparently to prevent him from approaching the guest of honour. The crowd, both Jews

and Arabs, roared "Patt go home." It took the popular dean of natural sciences, Prof. Eliahu Friedman, to restore calm. "We have decided that at the Hebrew University all students will pay the same tuition fee," he said to cheers.

Despite the stormy atmosphere at the Hebrew University, Prime Minister Yitzhak Shamir is still expected to attend the institution's convocation next week, when he is to receive an honorary doctorate.

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# The case of Arye Naor

Yosef Goell

Menachem Begin. In the early '50s, men like Shmuel Katz, Hillel Kook and other old Jabotinskyite Revisionists, were forced out when they proved too independent to toe the Begin line. In the mid '60s, a personal challenge to Begin's leadership, mounted by a new generation led by Shmuel Tamir, which sought to capitalize on the growing frustration deriving from Begin's perennial inability to upset Mapai's political hegemony, resulted in Tamir's ouster.

A similar fate befell the presumptuous newcomer Ezer Weizman in the early '70s, when he too dared to challenge Begin's leadership. Today, on the 10th anniversary of the 1977 watershed election which finally brought the Likud and Begin to power, it is ironic to recall that it was Weizman, recalled from political exile, who was the major architect of that electoral victory. Weizman's final expulsion from Herut, only a few years ago, and also at the hands of an internal party tribunal, was in response to his total break with the party, all down the line.

THE CASE of Arye Naor would seem to be different. Both Peres and Shamir, in their descent into hyperbole, with respective charges of

"murdering the prospects for peace," and "committing treason against the Jewish people," have tried to present the issue of support of, or opposition to an international conference as one of ineluctable principle. In reality, the issue of the conference is largely a tactical one. It is perfectly possible for a person to be deeply committed to the idea of peace with the Arabs, even at the price of significant territorial concessions, and still be opposed to the idea of the conference as a dangerous tactic. Conversely, it is possible to be totally opposed to the concept of purchasing peace by territorial concessions, and still be Machiavellian enough to believe that an international conference could be a desirable venue for the Soviets and the Arabs to destroy any meaningful peace negotiations.

Herut's decision to expel Arye Naor, unless he recants his heresy within 15 days, can be seen as part of the internal fight between the populist forces dominating the party and the young generation of "princely heirs" to Jabotinskyite Revisionism, of whom Naor is one. There is un-

doubtedly also the element of Shamir's having seized on the issue as one whereby he hopes to solidify popular party support behind his otherwise lack-lustre leadership.

The whole matter could, perhaps, be relegated to a minor footnote to Israel's political history, were it not for the fact that by evincing such narrow-minded intolerance of legitimate differences of opinion, Herut might be relegating itself to political marginality.

This is to be regretted, for the signs seem to indicate that Israeli politics have entered a stage in which governmental power will fluctuate periodically between its two major political blocs, led respectively by Labour and the Likud. The complexity of the issues and problems confronting Israeli governments is such as to require a minimum of internal flexibility in responding to new situations, and to challenges by the party leaderships that aspire to lead the country.

The narrow-mindedness evinced by the Herut tribunal which decided on expelling Naor may well be an augury of the dangers that would confront Israel if it finds itself led by such dogmatic and inflexible leadership.

We have a good recent example of

such dangers in both the economic and the military fields. In the heyday of former finance minister Yoram Aridor's "correct economics," which everyone today admits were an unmitigated catastrophe for Israel, Likud MK Yigal Cohen-Orgad dared to come out in opposition to Aridor's policies. He was nearly lynched in the Herut Central Committee.

One also recalls the vindictive punishment meted out by the party to former deputy defence minister Mordechai Zippori for daring to question the war in Lebanon and to oppose Ariel Sharon's conduct of it.

In contrast, it should be noted that the Labour Party never attempted to expel those of its own members who were very active in the Greater Land of Israel movement throughout the '70s and '80s, although it was obvious that they were acting in contradiction to party policy.

Herut will get along without Arye Naor, and Naor will, in all likelihood, recover from the hurt of being expelled from a party into which he was born. But Israel will be ill-served by a party whose leadership evinces and tolerates such a narrow-minded vindictiveness and determination to throttle any meaningful internal debate.

## The human factor

David Krivine

visitor, they say, she can apply for permanent residence.

But she cannot get a tourist passport because she was already granted an emigration passport. According to Arnon and Karen, if she turns in that document she will have to wait 10 years for a tourist passport, and it is not certain she will get it even then.

Tel Aviv lawyer Israela Giditz explains that the Rumanian government would only issue a tourist passport if Viorika leaves either a spouse or an offspring behind as a surety against her return. Moreover, the firm employing her must post bond that she will come back.

Viorika has no spouse or offspring to leave behind. As to the organization employing her (she is a dental technician), it knows she wants to emigrate and has already discriminated against her on that account. There is no chance that it will guarantee her return.

The Israeli Interior Ministry could not care less and will not change its mind. The head of the ministry's Visa Department wrote to Giditz: "We are not responsible for the situation of a woman who applied for an emigration passport on the advice of her son-in-law. We know cases of people who have managed to switch from an emigration passport to a passport permitting tourist visits. We assume that the above person can do that, even though she may have to wait."

Viorika's emigration passport was issued on June 6, 1985. It is valid for two years, expiring in fortnight or so. Giditz has applied this month on behalf of her client to the High Court of Justice for redress, but it is unlikely to make a judgment before the emigration passport's validity runs out.

LEAVING ASIDE legal considerations, what of the human factor? Viorika may have adopted the wrong procedure, but that is not the point. The point is whether she should be allowed to rejoin her family and live in Israel. If she has that right, the argument over whether she put in for the correct or incorrect exit document is irrelevant.

If the Interior Ministry will let her stay here permanently with a tourist passport, it can equally allow her to stay here permanently with an emigration passport.

The question at issue is therefore: Should she be allowed to stay here? Every country confines the right of permanent residence to its own nationals and Israel is perfectly entitled to do the same. But ignoring humanitarian considerations is another matter.

Here is a Jewish family that has made its home in Netanya. Viorika lives alone in Rumania, separated from her daughter and grandson.

The authorities in Bucharest have allowed her to leave for Israel. That was two years ago, yet she still has not left – and cannot. Our Interior Ministry will not give her the requisite entry permit.

Is it bureaucracy, or something worse – a prejudice that overrides common sense? Arnon served in the air force and was injured in the Yom Kippur war. His son – and other children that the couple may bring into the world – will grow up, go to a Jewish school, speak Hebrew and join the Israeli army. Are they to be told that the country to which they belong and which they have pledged to defend will not let their grandmother live here?

This is not the only instance of ministerial insensitivity bordering on cruelty, in a nation which prides itself on the sanctity of family life. The Public Relations Bureau of the Citizens Rights Movement has a small file of similar cases, separating mother and child, husband and wife – because the exiled person does not belong to the right religion. It defies understanding.

The writer is a member of The Jerusalem Post editorial staff.

## READERS' LETTERS

To the Editor of The Jerusalem Post Sir, – As one of the few surviving Austrian Jewish University professors, I wish to refer to an editorial in your paper concerning not only the recent upheaval caused by the election of Dr. Kurt Waldheim, but the entire position of Austria. You suggest that Dr. Waldheim should make amends by admitting at least to partial guilt on the part of Austria in the Nazi crimes perpetrated against the Jews of Europe.

It would take a long time to make young Israelis understand what is hard to understand even for the younger generation in Austria.

The facts are as follows: Many Nazis were of Austrian birth; Hitler himself was born on the border with Bavaria and utterly despised Austria, so much so that he always hated the dynasty and put a price on the head of Otto von Habsburg and his family, who had been in exile since 1918.

I was an eye-witness to Hitler's entry to Vienna. One certainly saw 200,000 jubilant Viennese greeting Hitler. Who filmed those who were sitting in their rooms, weeping over

## IN DEFENCE OF AUSTRIA

the end of their country? Austria always was a supranational state, composed of many ethnic groups. The dynasty was supranational, dedicated to the defence of the weak against the strong and Emperor Francis Joseph twice refused to recognize the lead of the Christian Social Party, Dr. Karl Lueger (who had made use of anti-Semitic slogans to win the municipal elections) as Mayor of Vienna – but after the third election, he had to do so.

The year 1938 began with the mass arrest of monarchists, Catholics, socialists, communists and, of course, Jews, of which 65,000 were killed in the camps and the prisons. However, 35,000 Austrian Catholics, deemed "Aryans" by the Nazis were killed in Dachau, Mauthausen and similar camps.

In the cell reserved for executions by the guillotine, 2,700 Austrians were beheaded because of attempted resistance. After five years of Gestapo rule, it was almost impossible to build up resistance circles without incurring the danger of hav-

ing a Gestapo spy within the movement. The Nazis imprisoned 100,000 Austrians for non-compliance with the regime. Do you really think that it was possible for Austrians to refuse service in the Wehrmacht? The Nazis sympathizers (who stopped being Austrians the moment they became Nazis) thought they were doing their "duty." The others served because they had no choice.

I am not a friend of the type of Austrian who remained undecided, waiting for the outcome of the war. I consider the acting president, Dr. Waldheim, as a man who tried to survive, while other young people, however hopeless or even dangerous it might be, joined the different resistance circles. I certainly did not vote for Dr. Waldheim, nor for his opponent, being a conservative and a proud Jew. Dr. Waldheim did not win the elections because of the successful appeal made by some speakers of his party to anti-Semitism, of which little is left among the younger generation. None of the many Catholics among my friends and students voted for

him, which explains the many blank ballots cast which exceeded the possible gains made among anti-Semites, who still exist in Austria, but not on the scale propagated by the Western press.

I do not think it is a crime to try to survive, as Dr. Waldheim did. He might have made use of better advisors to explain many things which were left without explanation. As a monarchist, I stay at a respectful distance from the presidency, but Dr. Waldheim has been duly elected and I think that as long as it has not been proven otherwise, he remains innocent of the crimes attributed to him.

It is possible to talk of the guilt of so many Austrians in what happened after 1938, and by that, I mean bearers of Austrian passports. It is inadmissible to talk of the guilt of Austria as such. Austria and Nazism are antagonistic terms.

THOMAS CHAIMOWICZ  
Salzburg, Austria.

## THE YOUNG DRUSE

To the Editor of The Jerusalem Post Sir, – I want to thank the government for deciding to equalize Druse villages with neighbouring Jewish settlements, although this decision was taken 40 years later than it should have been. I was astonished to learn that the Labour ministers in the government abstained in the vote for the Arens proposal. Whatever the reason, this stand is proof of their double-faced attitude towards the Druse. They succeeded in obtaining hundreds of millions of shekels for Jewish settlements, but balked at 18 million shekels for the Druse villages, which is a negligible amount compared to what they should get. The Labour leaders are mistaken in thinking that the Druse youngsters are like their fathers. The younger Druse demand the practice of equality in their daily lives and are no longer impressed by promises.

AMIN ZEIDAN  
Isfiya.



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